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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masato YAMADA et al.

Group Art Unit: 2811

Application No.: 10/590,325

Examiner: S. GEBREMARIAM

Filed: August 23, 2006

Docket No.: 136152

For: LIGHT EMITTING DEVICE AND METHOD OF FABRICATING THE SAME

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

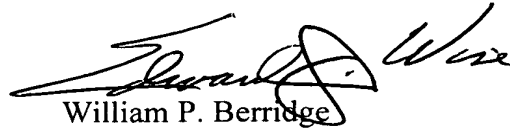
In reply to the July 29, 2010 Restriction and Election of Species Requirement, Applicants provisionally elect Group II, claims 26-35, drawn to a process characterized by removing the separation assisting compound semiconductor layer by chemical etching, and Species 3, Figs. 14-17. Applicants submit that at least claims 26, 27, 29, and 33 read on elected Species 3, and claim 26 is generic.

It is also respectfully submitted that the subject matter of all groups/species is sufficiently related that a thorough search for the subject matter of the elected group/species would encompass a search for the subject matter of the remaining groups/species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present

application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: August 23, 2010

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